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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/991,324

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Mark Frigon

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EXAMINER

BETIT, JACOB F

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/991,324	<b>Applicant(s)</b> FRIGON, MARK	
	<b>Examiner</b> Jacob F. Betit	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 90,98,100 and 103 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 90,98,100 and 103 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**SAM RIMELL**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Remarks*

1. In response to communications filed on 6 June 2006, claims 90, 98, 100, and 103 have been amended per the applicant's request. Claims 1-89, 91-97, 99, 101, 102, 104-105 are cancelled. Claims 90, 98, 100, 103 are presently pending in the application.

2. The amendment to the claims filed on 6 June 2006 does not comply with the requirements of 37 CFR 1.121(c) because they do not include markings to show all changes made from the previous version of the claims. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c)(2) which states:

*(2) When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

Since the examiner missed this error when sending out the original notice of non compliance, and in the interest of not further delaying prosecution, the examiner will examine the claims as currently presented in the most recent amendment. The examiner will assume that the added text was meant to be part of the amendment, but the examiner reminds the applicant that any future amendments must comply with 37 CFR 1.121(c).

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 90 and 103 rejected under 35 U.S.C. 102(b) as being anticipated by Doyle (US patent No. 4,847,604).

As to claim 90, Doyle teaches in a computer system, a method for obtaining and displaying information relating to the existence of at least one object in an image comprising:

obtaining image data comprising at least one object (see column 9, lines 37-63);  
presenting a client interface configured for a providing user to provide identifying information (see column 9, line 64 through column 10, line 20);

obtaining said identifying information from said providing user wherein said identifying information comprises information that uniquely identifies said at least one object in said image data (see column 9, line 64 through column 10, line 6) and wherein said identifying information further comprises location information that identifies coordinates of said at least one object (see column 10, lines 6-20);

storing said identifying information in at least one first computer (see column 4, lines 10-14);

presenting a search interface to a searching user (see column 8, lines 2-7 and see column 8, line 64 through column 9, line 15);

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receiving a request for at least one image within said image data from said searching user, where said at least one image comprises at least one result object (see column 8, lines 44-63);

performing a query that returns at least one result object found in said image data (see column 8, line 64 through column 9, line 16);

obtaining data associated with said at least one result object from said at least one first computer in response to said request (see column 9, lines 1-11); and

presenting said data associated with said at least one result object to said searching user that initiated said request and presenting said identifying information at said coordinates of said at least one object (see column 9, lines 11-16).

As to claim 103, Doyle teaches a system for obtaining and displaying information relating to the existence of at least one object in an image comprising:

means for obtaining image data comprising a at least one object (see column 9, lines 37-63);

means for presenting a client interface configured for a providing user to provide identifying information associated with said at least one object in said image data (see column 9, line 64 through column 10, line 20);

means for obtaining said identifying information from said providing user wherein said identifying information comprises information that relates to said at least one object in said image data (see column 9, line 64 through column 10, line 6) and wherein said identifying information comprises location information that identifies

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coordinates of said set of at least one object in said image data (see column 10, lines 6-20);

means for storing said identifying information in at least one first computer wherein said identifying information uniquely identifies a single object of said set of at least one object (see column 4, lines 10-14);

means for presenting a search interface to a searching user (see column 8, lines 2-7 and see column 8, line 64 through column 9, line 15);

means for receiving via said search interface a request from said searching user for at least one object within said image data (see column 8, lines 44-63);

means for performing a query that returns at least one result image data wherein said at least one result image data comprises image data found in at least one album and having said at least one object (see column 8, line 64 through column 9, line 16);

means for obtaining said at least one result image data from said at least one first computer in response to said request (see column 9, lines 1-11);

means for obtaining corresponding identifying information associated with said at least one search object in said at least one set-of-result image data (see column 9, lines 1-11); and

means for presenting via a graphical user interface said at least one result image data and said corresponding identifying information to said searching user that initiated said request and means for presenting said identifying information at said coordinates of said at least one object (see column 9, lines 11-16).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 98 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle (US patent No. 4,847,604) in view of Kuchinsky et al. ("FotoFile: A Consumer Multimedia Organization and Retrieval System").

As to claim 98, Doyle teaches in a computer system, a method for obtaining and displaying information relating to the existence of at least one object in an image comprising:

obtaining image data comprising at least one *object* (see column 9, lines 37-63);

presenting a client interface configured for a providing user to provide identifying information associated with said image data (see column 9, line 64 through column 10, line 20);

obtaining said identifying information from said providing user wherein said identifying information comprises information that uniquely identifies said at least one *object* in said image data (see column 9, line 64 through column 10, line 6) and wherein said identifying information comprises location information that identifies the coordinates of said at least one *object* in said image data (see column 10, lines 6-20);

storing said identifying information in at least one first computer wherein said identifying information uniquely identifies a single *object* [within] said at least one person (see column 4, lines 10-14);

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presenting a search interface to a searching user (see column 8, lines 2-7 and see column 8, line 64 through column 9, line 15);

receiving a request for at least one search *object* within said at least one *object* from said searching user (see column 8, lines 44-63);

performing a query that returns at least one result image data comprising said at least one search *object* wherein said at least one result image data comprises image data found in at least one album (see column 8, line 64 through column 9, line 16);

obtaining said at least one result image data from said at least one first computer in response to said request (see column 9, lines 1-11); and

presenting said at least one result image data to said searching user that initiated said request and presenting said identifying information at said coordinates of said at least one *object* (see column 9, lines 11-16).

Doyle does not teach the object being a person.

Kuchinsky et al. teaches this (see page 499-500, "Face Recognition"). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Doyle to include the teachings of Kuchinsky et al. because these teachings would allow for the recognition of people in images and allow those people to be annotated and identified.

As to claim 100, Doyle teaches in a computer system, a method for obtaining and displaying information relating to the existence of at least one object in an image comprising:

obtaining image data comprising a at least one *object* (see column 9, lines 37-63);



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presenting a client interface configured for a providing user to provide identifying information associated with said image data (see column 9, line 64 through column 10, line 20);

obtaining said identifying information from said providing user wherein said identifying information comprises information that relates to said at least one *object* in said image data (see column 9, line 64 through column 10, line 6) and wherein said identifying information comprises location information that identifies the coordinates of said at least one *object* in said image data (see column 10, lines 6-20);

storing said identifying information in at least one first computer wherein said identifying information uniquely identifies a single *object* of said at least one *object* (see column 4, lines 10-14);

receiving a request for at least one image within said image data (see column 8, lines 2-7 and see column 8, line 64 through column 9, line 15);

performing a query that returns at least one result found in said image data wherein said at least one result comprises said at least one *object* (see column 8, line 64 through column 9, line 16);

obtaining said at least one result from said at least one first computer in response to said request (see column 9, lines 1-11);

obtaining corresponding identifying information associated with said at least one result (see column 9, lines 1-11); and

presenting said at least one result found in said at least one search image data and said corresponding identifying information and presenting said identifying information at said coordinates of said at least one *object* (see column 9, lines 11-16).

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Doyle does not teach the object being a person.

Kuchinsky et al. teaches this (see page 499-500, "Face Recognition"). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Doyle to include the teachings of Kuchinsky et al. because these teachings would allow for the recognition of people in images and allow those people to be annotated and identified.

### *Response to Arguments*

7. Applicant's arguments with respect to claims 90, 98, 100, and 103 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent application publication No. 2002/0055955 A1 to Lloyd-Jones et al. for teaching a method of annotating an image.

U.S. patent No. 6,616,701 B2 to Doyle for teaching identifying features of multidimensional image data in hypermedia systems.

Wei et al., "Face detection for image annotation", Pattern Recognition Letters 20 (1999), pages 1313-1321.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb

9 Jul 2006

  
SAM RIMELL  
PRIMARY EXAMINER